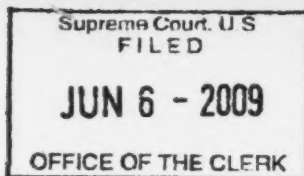


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(3)

Docket No: 08-1276



**United States Supreme Court**

**Glenn Henderson  
Plaintiff**

**v.**

**Sony Pictures Entertainment, et al.**

**On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Ninth  
District**

**Petition for Writ of Certiorari**

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#### Reply to IV. Statement of the Case

I have not filed seven unsuccessful complaints against Sony. Only the last case was dismissed on the merits, even though I clearly proved the law supported me. They have been unsuccessful every other time to get a case dismissed on the supposed merits. Two of those cases were dismissed because of a settlement. The respondents are saying the settlement was not good for me. I agree. That is the main reason for this case. The settlement was not adequate compensation and was obtained by fraud, lying, and other wrongs. I discussed this in my petition and earlier court papers. There would have been only four cases if I had realized I could file one case for both federal and state claims. I filed three cases in federal court that were similar or partly similar to three in state court in 2002, 2003, and 2004/2005. In the 2003 cases, I emailed to ask the CEO if I could speak to him about my termination and to say Sony evidently had money that customers' had overpaid. I sent a second email to say I wanted to be able to document what was said between Sony investigator, Raymond Smith, and me. I tried to fax file the 2005 state case in 2004 but was told I had the wrong courthouse. It was the 2005 case, where the corrupt lawyers for Sony, got a corrupt and incompetent judge, Hilberman, to declare me a vexatious litigant, even though I had not violated the unconstitutional law. The case was dismissed because I did not pay security. I had to have had five adverse and final

determinations in seven years or had to have repeatedly re-filed a case already determined. I had never re-filed such a case and only had three cases adversely and finally determined. One was about the statute of limitations in a case with my union. I proved it had not expired. Two cases were dismissed with prejudice because I listed a federal agency instead of the United States government. Also, I had to do administrative remedy. I still had time to do the remedy and did. Those two cases should have been dismissed without prejudice. One was transferred from state court just after dismissal of a similar federal case and so was dismissed. I appealed the 2005 state case all the way to this court. Corrupt judges refused to hear my case.

A 2005 federal case with Sony was dismissed because I needed to go to the EEOC first and because the court did not want to exercise jurisdiction over a state issue. I went to the EEOC and got a right-to-sue letter. The federal issue was Sony prevented me from getting a reference. I tried to get my name off the vexatious litigant list in another state case. It was dismissed because I did not pay security.

I did not file "identical" cases in 2002 in state and federal court. The federal case included discrimination and harassment by Sony and my supervisor, discrimination in promotions, and wrongful termination. The state case was only about discrimination in promotions.

In my email to the CEO, I specified what I thought was the problem: Sony evidently had money that customers had overpaid. It is absolutely false that I refused to meet with Smith. I said I would on the phone and also in an email, which I produced. Smith lied. Sony's lawyers have violated their Rule 11 duties and made claims that had been proven false. I could not prove that I agreed on the phone. That is exactly why I emailed the CEO that I wanted to be able to document what was said. I told Smith what reports to run. I do not know why my help was needed.

The respondents claim that my 2003 complaints were unmeritorious. That is not true and violates Rule 11. I was harassed about the two emails that were free speech. Sony tricked a federal judge into believing retaliation by a former employer was not covered by Title VII. I believe Section 1983 applied because I had gone to the Los Angeles District Attorney's office for help. They allowed Sony to harass me. A state person was involved. Also, Sony's in-house lawyer was an agent of state court. The Ninth Circuit evidently did not know Title VII could prevent retaliation by a former employer or did not care. I tried to appeal to this court but was denied a chance to file because I was late. That was because the appeals court was late in notifying me of its ruling.

This current case from 2004 is not "a litany of muddled allegations." It is an absolute lie that I "pled claims for relief that were dismissed with prejudice by the District Court

in connection with the 2003 Complaint." Sony tricked the judge into believing that. Attorneys Rosen and Carrasco again violated Rule 11 and acted in bad faith. The judge dismissed claims against Smith, even though he was not listed in the 2004 case. He was listed in the 2003 case. On page 27 of the respondents' Appendix, line 10 shows I was talking about issues during the previous year. I signed that complaint on 12/1/03; please see page 35 of the Appendix. So, the issues happened between 12/1/02 and 12/1/03. Relating to Sony, the 2004 complaint was about challenging the settlement of 2002, workers' compensation denial in August 2002, and preventing me for getting a reference in 2004. None of those issues was in the 2003 complaint. They do not claim the three individuals in the 2003 case were in the 2004 case.

It is untrue that all my claims do not raise any important constitutional questions. I have not been getting due process or equal protection. Now I am not getting the right to petition. My cases have not been given the same treatment as other cases. Courts have allowed Sony's lawyers and Sony to lie or let others lie over and over again. The courts are showing lack of integrity. People should be able to rely on the courts. This court should help. It is untrue that I have not "remotely come close to showing that this Court's decision" is "required."

Referring to page 8, the Ninth Circuit did not base its decision "upon the facts specific to



this case." I discussed untrue facts previously. It is very "novel interpretation of a federal statute or constitutional law" to say claims against someone, who is not a defendant, can be dismissed and to say claims from different events and different time periods are the same claims. It is absolutely untrue that I do not have "legal grounds for the relief requested." I have clearly shown that over and over. The courts rulings were not "legally sound." I have shown that over and over. Basis exists to grant certiorari. It is misleading to say I "perceived mistreatment at the hands of Respondents." I showed it as fact.

On page 8, the respondents claim I have "had a full and fair opportunity to address" my "legal grievances against Respondents." They say "quite importantly," I had the opportunity. They show they understand and agree that is quite important. I agree, too. I have not had a full or fair opportunity to address and have the courts address my grievances. That is what I have been saying over and over. Being allowed to address or state grievances means little if the courts do not address and discuss those grievances, points, and questions. I am not getting my points addressed or my questions answered. I have referred to California contract laws that clearly support my claims, but the courts are not discussing or addressing them. I want a "full and fair opportunity." That is a huge point.

I did not receive "a more than fair settlement." I got 5 months salary. I got \$3,000.00 for psychological help and a small



union pension that I was 4 months or so from getting when I was fired. I give them credit about the pension. Five months salary was nowhere near compensation for a damaged career and reputation and loss of a lot of salary. I cannot find a job now. \$3,000.00 is not nearly enough to get the help I need. I am so damaged now that I am afraid to leave my house. My experience with Sony, the courts, and others has shown me I have no way to protect or take care of myself.

#### **V. Statement of Facts**

They claim I was put on a Development Plan, which outlined steps I needed to take to improve my performance and prepare for future opportunities. It was not that at all. It was all lies or misleading or a couple of things I had not been asked to do. I went over this in the petition. Rosen, Carrasco, Sony, and Russo have lied over and over and acted in bad faith. I was put on the plan even though I had an absolutely perfect record of applying checks. I made zero mistakes. I never got behind. I worked well with others. My manager, Russo, did not claim anything different, yet, she claimed I needed to come up with more ideas to streamline my job and needed to take a time management class. I have gone over the plan in the petition and other papers. The Written Warning included a letter I wrote to a bank CEO about harassment. That is the only issue at Sony that might be a problem. I have discussed the warning in the petition and other papers. My performance was excellent.

In the warning, Russo claimed I made four application mistakes. The whole time I was there, she claimed I made six mistakes out of 34,000 checks. I definitely applied one wrong and temporarily put a partial amount on a wrong invoice I thought the amount should go to, while I waited for clarification. I applied one of the six totally right. Russo said I applied the other three to wrong invoices, but I followed procedures. She said I did an adjustment wrong but never showed proof. The last incident was that Russo said I went on jury duty for too long. Sony has denied this, but they have a copy of her notes that proved it. They committed perjury to the CA Labor Relations Board.

They claim the two 2002 complaints in state and federal courts were virtually identical. They were not, as I discussed.

Page 10 has the lie that I did not follow up with Smith. I told him what reports to run. I did not give details of company names or amounts. If he found nothing wrong, he did an incompetent job.

On page 12, they make the absolutely untrue and bad faith claim in violation of Rule 11 that my 2004 complaint "contained much the same facts, claims, and causes of action as those alleged in the 2002 and 2003 Complaints." I asked to void the settlement of the 2002 claims and have those claims litigated, and that was the only similarity. I have proven no 2003 claims were in the 2004 case, this current case. It is untrue this case was difficult to interpret, in the sense of

understanding it. I tried to file the 2005 state complaint about the same time I filed the 2004 federal complaint. On page 14, it is untrue, inaccurate, or misleading to say corrupt and incompetent Hilberman determined I was a vexatious litigant. One cannot really determine something is true that is not true.

The 2007 case was mostly about being wrongly put on the unconstitutional state vexatious litigant list. I do not see how Wright could determine I was a vexatious litigant when I was not. I clearly proved my case.

I will fight the corrupt Hilberman, Wright, Sony, their lawyers, Russo, and others until I get justice or until I die.

## **VI. Reasons for Denying the Writ**

### **1. Release**

As I have discussed in other places and papers, the federal claims were proper and not improper as a matter of law. The Ninth Circuit improperly affirmed the district court's ruling.

On page 18, their claim that it is "unclear" but "appears" I claimed the settlement should be void because it was signed under duress is not true. I was clearly saying that. I could have picked a better and more general word than duress, like stress or distress. I cleared that up and pointed to how several state contract laws clearly supported me. Sony's lies and fraud were clearly wrongful acts that were "sufficiently coercive to cause a reasonably prudent person faced with no reasonable alternative to succumb to

pressure." The respondents say that must happen. Also, taking advantage of a person's mental condition is illegal. That happened. I have discussed that more in other places.

Page 19 and the top of page 20 are full of lies and untruths. No sentence is true. This court should stop Rosen and Carrasco.

On page 19, they claim I did not plead or argue the respondents engaged in any wrongful act to coerce me to execute the settlement. That is an outrageous lie. I stated over and over how they lied to me and others and committed fraud and threatened to lie and get money from me. I went over and over how state contract law supported me. It is an absolute lie that I relied solely on allegations of depression and anxiety, even though that is enough. They do not mention post-traumatic stress. I have clearly shown the settlement is unenforceable. Law says the contract is not valid. I have clearly shown that. It is an absolute lie that no authority exists to support the settlement is not enforceable. I have clearly shown that.

Their cited authorities are not "contrary" to my arguments. *Johnson v. IBM* does not apply. Contrary to their and the Ninth Circuit's claim that I raised no facts to show the settlement was procured by fraud, duress, or any other reason that would render it invalid, I did raise those kinds of facts and clearly and absolutely proved my case. I raised issues about lies, fraud, and conspiracy to conspire with and influence others. I did not list all the state contract laws in my original

complaint, but I discussed them in oral argument, in appeal papers, and in my petition to this court. I could have amended my complaint. It is not true that the settlement is enforceable. I have clearly shown that. There is basis to grant the petition.

## **2. 2003 Complaint**

It is a blatant lie that claims in my 2003 complaint are in my 2004 complaint. Rosen and Carraasco need to be fined, sanctioned, disbarred, and sent to prison. I have clearly pointed to different events and times. The respondents are making an absolute mockery of the courts, and the courts are willing to let them. The respondents lie that I was trying to circumvent the appeals court's affirming dismissal of the 2003 case by filing the 2004 case. The 2003 and 2004 cases were completely different, so I could not have. The 2003 was about free speech in emails. That is not in the 2004 case.

They make the absurd claim they knew what I was thinking: that I was "(f)earing that the Ninth Circuit would affirm." They seem to be trying to trick the courts into believing the duplicative idea because I used some of the same words, like fraud and defamation, in both cases. Unbelievably, they have been getting away with it. The effect on my 2004 case was that no relief was denied by the claim of duplicity because I had not asked for relief about any 2003 claim. The problem is

the respondents use the issue to try to claim wrongdoing by me.

On page 24, they claim I did not allege that I had exhausted my administrative duties. I alleged it. I got a right-to-sue letter from the EEOC.

### **B. Res Judicata and Collateral Estoppel**

It is misleading and a lie that my 2004 case is "simply an attempt to relitigate the issues that were either raised, or should have been raised, in the 2002 and/or 2003 Complaints." The similarity was I tried to challenge the settlement, and then and only then, actually litigate issues from 2002. In the 2003 complaint, Judge Collins said issues in the 2002 complaint had not actually been litigated. It is bad faith and at best misleading to say I tried to relitigate 2002 issues without saying I was trying to challenge the settlement. It is untrue and absurd to claim that the dismissal of the 2003 complaint bars the 2004 complaint. Even if 2003 issues were in the 2004 complaint, not all issues in the 2004 complaint would be barred by dismissal of the 2003 complaint.

They state res judicata precludes bringing a case decided on the merits. The two 2002 cases were not decided on the merits, so res judicata does not apply. Similarly, collateral estoppel does not apply.

I did not try to re-file claims in the 2004 case during appeal of the 2003 case. At the bottom of page 27, they start the nonsense that with two exceptions, the 2004 case arises



out of the same transitional nucleus of facts in the 2003 and 2002 cases. I have discussed that. Also, there is nothing in the 2002 case about challenging a settlement. There could not be, because the settlement had not been signed.

On page 28, they list seven issues and claim all were actually litigated in the 2002 and 2003 cases. None were actually litigated in the 2002 case. Only discrimination and retaliation were actually litigated in the 2003 case. That judge made mistakes.

On page 29, they state the settlement challenge or workers' compensation could have been litigated in 2003 or 2004. I tried in 2004.

### **Conclusion**

I hope the petition will be granted.

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